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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IN RE:) Case No: 24-24597-A-13C
) DCN: PGM-1
)
AYANNA UMEKA SPIKES,) TRUSTEE'S OBJECTION TO
) DEBTOR'S MOTION TO
) CONFIRM CHAPTER 13 PLAN
)
) DATE: 4/15/2025
) TIME: 9:00 A.M.
) JUDGE: CLEMENT
Debtors) COURTROOM: 28, 7TH FLOOR

DAVID P. CUSICK, TRUSTEE, objects to confirmation of the Debtor's Plan and does not recommend its confirmation.

1. FEASIBILITY. Debtor cannot make the Plan payments, does not appear to be able to comply with the Plan or to have the ability to make the Plan payments and has failed to carry the burden of showing that the Plan complies with applicable law under U.S.C. §1325(a)(1) & (6).

A. **FAILS LIQUIDATION:** The plan does not comply with 11 U.S.C §1325(a)(4) as the unsecured creditors would receive a higher distribution in a chapter 7 proceeding.

1 According to Schedules A/B and C, the total value of non-exempt property in the
2 estate is \$105,770.00. The non-exempt assets consist of bank accounts, utility
3 deposits, copyrights, and a claim against a third party. The total amount that will be
4 paid to unsecured creditors is \$0.00 or 0%. The non-governmental bar date for this
5 case passed on 12/23/2024 and the governmental bar date will have passed by the
6 date of this hearing (it is 4/10/2025). Total unsecured claims that were timely filed in
7 this case total \$63,482.38 so the plan will need to 100% to the unsecured creditors to
8 pass the liquidation test.

9

10 B. **FAILURE TO FILE EVIDENCE IN SUPPORT OF THE MOTION:** The
11 Debtor's motion and declaration both state that the Debtor filed Exhibits in support of
12 the motion to confirm. However, no exhibits were filed with the court. The Debtor
13 has the burden of proof to provide the Court with evidence to support their motion to
14 confirm. The Trustee cannot recommend confirmation with an incomplete motion
15 that is not sufficiently supported by evidence.

16
17 WHEREFORE the movant requests that the Court enter an order denying the Debtor's
18 Plan.

19 Dated: 3/31/2025

20 /s/ Kristen Koo

21 Kristen Koo, Attorney for Trustee